COMMITTEE REPORT NO. 10 - 14 (1) TABLED ON NOV 5 2001

Northwest Territories Legislative Assembly

Standing Committee on Rules and Procedures

Report on Referred Items

Chair: Mr. Brendan Bell

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Northwest Territories Legislative Assembly
Standing Committee on Rules, Procedures and Privileges

NOV 5 2001

THE HONOURABLE ANTHONY (TONY) WHITFORD, MLA
SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Rules and Procedures has the honour of presenting its Report on Referred Items, and commends it to the House.

Brendan Bell
Chair

Attachment

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REPORT ON REFERRED ITEMS

Introduction

This report of the Standing Committee on Rules and Procedures addresses two outstanding items referred to the Committee by the Speaker on two separate ocassions.

Item 1

On May 11, 2000 the Speaker of the Legislative Assembly referred, by letter, a number of issues to the Standing Committee on Rules and Procedures for consideration. Specifically, one issue brought to the Speaker's attention by a Member dealt with the perceived need for a mechanism allowing for Committees to make statements in the House related to the business of the Committee. Specifically, the Member's request noted that:

> *There should be an opportunity during routine Orders of the Day for Standing Committee Chairs to make formal statements to the House on issues and items of interest to all Members and the public that are before the Committee or fall within its mandate.*

Item 2

In addition, on June 7, 2001 the Speaker requested that the Committee consider and propose an amendment to Rule 85(2) of the Rules of the Legislative Assembly to reflect the decision of the Board of Management to exercise its legislative authority and responsibility for the development and approval of the business plans and estimates of the Legislative Assembly and the Statutory Officers of the Legislative Assembly.

Background

Item 1

The current Orders of the Day include the item "Reports of Standing and Special Committees", as the 11th item of business on a typical day in the House.

Under this item, the Chair, or another Member of a Standing or Special Committee may report on any issue or subject matter that is before the Committee or is under the terms of its mandate.

In discussing this issue during its meetings on June 6, 2000, November, 1, 2000, January 12, 2001, March 1, 2001, and June 6, 2001, Rules Committee Members noted that while the item was indeed on the Order Paper and Committees were not unduly restricted in its use, its position on the Orders did not allow it to be an effective public information tool as it occurs later in the day, and is not televised.

There are practical limitations on the amount of television coverage each day, and it generally ceases after Oral Question Period. The majority of NWT residents in communities outside the Capital receive their only exposure to the House through an hour and a half of these televised proceedings. Therefore, any House proceedings occurring after Oral Question Period on a normal sitting day are not captured and transmitted to residents in the same fashion as those items on the Order Paper up to, and including Oral Question Period.

Item 2

On May 24, 2001 the Board of Management, as outlined in Record of Decision No. BOM 96-14-2001, affirmed its responsibility for the development, review, approval, monitoring of, and accountability for, the business plans and estimates of the Legislative Assembly in accordance with the provisions of the *Legislative Assembly and Executive Council Act*.

Rule 85(2)(c) of the Rules of the Legislative Assembly currently states that "the Standing Committee on Accountability and Oversight shall...consider the budgets and financial management...of any other boards and agencies that are outside the responsibility of any Standing Committee, including the Office of the Legislative Assembly."

An amendment to this Rule has been requested by the Speaker to effectively remove the responsibility for the review of Legislative Assembly business plans and estimates, and those of its statutory officers, from the Standing Committee's mandate. It is the position of the Board that, by virtue of sections 41 and 58 of the *Legislative Assembly and Executive Council Act*, that this is, and has been, the responsibility of the Board.

Options

Item 1

Rules and Procedures Committee Members examined several options to address this issue:

Status Quo

The Committee considered whether the best option would be to maintain the status quo and encourage Committees to use existing opportunities, through the House under "Reports of Standing and Special Committees", and outside the Chamber through various other means and media, to communicate their work to NWT residents.

Move "Reports of Standing and Special Committees" Up the Order Paper

If the item "Reports of Standing and Special Committees were moved up the Order Paper to follow "Members' Statements", or at the very least, to precede "Oral Questions", the impact of Committee statements and Reports would be greater through the increased exposure that television coverage would provide. In this manner the public, particularly residents in small communities, would be better served.

Choosing this option may have implications for the House in terms of traditional television coverage of Oral Question Period. Consideration might then need to be given to instituting a time limit on Committee Reports, which does not currently exist, to minimize the impact on providing a televised Oral Question Period. However, Committees have often found it necessary to provide quite lengthy reports to the House on important matters they have examined and unanimous consent may then be required to conclude reporting.

Generally, all parliamentary jurisdictions provide for reporting by their Committees. It occurs only once a sitting day, at most, and there is no distinction between "Committee Statements" and "Committee Reports".

Recommend a New Item – "Standing Committee Statements"

The Committee could recommend to the House the establishment of a new item on the Order Paper entitled "Standing Committee Statements", to precede "Oral Questions". This item could be treated in much the same manner as "Ministers' Statements" with an overall time limit, or like "Members' Statements" with a time limit for each Statement and a limit of one Statement per day for each Committee.

Administratively and procedurally there would also be a requirement to produce all Chair's Statements as "Committee Reports" in writing, to be numbered accordingly. Approval of the text by the Committee will also be necessary and no departure from the text would then be permitted.

Given the anticipated usage of such an item and the proposed time limits, this option would not be likely to impact significantly on television coverage of Question Period.

No other parliamentary jurisdiction has, or contemplates having, such an item included in their routine order of business in the House.

In addition, Committee Members debated at length the procedural and practical dilemmas that this option could present in terms of the non-partisan nature of our consensus system of government. It was decided then that this would not be the preferred option to recommend to the Assembly.

Conclusions and Recommendations

Item 1

The Standing Committee on Rules and Procedures was of the opinion that for the purpose of enhancing the opportunities for Standing and Special Committees to share their work with a wider audience, the Legislative Assembly should consider moving the item, "Reports of Standing and Special Committees", up to order paper one day per week to follow "Members' Statements".

> ***The Standing Committee on Rules and Procedures recommends that the Rules of the Legislative Assembly be amended to provide that the item, "Reports of Standing and Special Committees" shall be listed as Item 4 on the Orders of the Day on Thursdays.***

Item 2

On the matter of amending the Rules of the Legislative Assembly respecting the authority and responsibility of the Board of Management:

> ***The Standing Committee on Rules and Procedures recommends that Rule 85(2)(c) of the Rules of the Legislative Assembly be amended by deleting "including the Office of the Legislative Assembly" after "responsibility of any Standing Committee".***

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